

Constitution of the Greek Cypriot Constituent State as Envisaged by the Annan Plan

CONSTITUTION OF THE GREEK CYPRIOT STATE

Part I - GENERAL PROVISIONS

Article 1 – Fundamental Provisions

1. The Greek Cypriot State is a Constituent State of the United Cyprus Republic.
2. The Greek Cypriot State derives its authority from, and exercises it within the limits of the Federal Constitution of the United Cyprus Republic, exercising all powers not vested by the Federal Constitution in the Federal Government, and organizing itself under this Constitution in conformity with the fundamental principles of the Rule of Law, respect for fundamental liberties and individual rights, democracy, equality and representative republican government as prescribed by Article 2 paragraph 3 of the constitution of the United Cyprus Republic.

Article 2 – The Greek Cypriot State and the European Union

1. The Greek Cypriot State is committed to the Purposes and the legal order of the European Union. Within its area of competence, the Greek Cypriot State shall participate in the formulation of the policy of Cyprus in the European Union and shall fulfill all relevant obligations.
2. No provision of this Constitution shall be deemed as invalidating any Laws, acts or measures by the Greek Cypriot State required for or by the obligations of European Union membership, or as preventing any Laws, acts or measures by the European Union, or institutions thereof from having the force of law throughout the Greek Cypriot State, or as preventing the transposition, as necessary, of the *acquis communautaire*.

Article 3 – Primacy of Law and fidelity to the constitution of the United Cyprus Republic

1. Within the limits of the Constitution of the United Cyprus Republic, this Constitution shall prevail over any other law of the Greek Cypriot State.
2. No institution of the Greek Cypriot State may interfere with the competences of the Federal Government or of the Turkish Cypriot State.
3. Any act by the Greek Cypriot State in contravention to the Federal Constitution shall be null and void.
4. All acts of government at all levels shall conform with the principles of proportionality and good faith as well as the principles of full faith, allegiance, co-ordination and co-operation inherent to a federal State.
5. The Greek Cypriot State shall be liable for any wrongful act or omission causing damage, committed in the exercise or purported exercise of the duties of its officers or authorities. A Law may regulate and extend such liability.
6. The Courts of the Greek Cypriot State shall uphold the Constitution of the United Cyprus Republic and this Constitution and shall ensure their full respect.

Article 4 - Language

1. The official language of the Greek Cypriot State is Greek. A Law may make provision for the use of the Turkish and other languages.

2. Legislative, executive and administrative acts and documents shall be drawn up in the official language and shall, where under the express provisions of this Constitution promulgation is required, be promulgated by publication in the Gazette in the official language.

3. Other languages may be used as means of communication and instruction.

4. The official languages of the United Cyprus Republic shall be taught to all secondary school students, commencing no later than three years after entry into force of this Constitution.

Article 5 – Flags and Anthem

1. The Greek Cypriot State shall have its own flag, as per attached Annex A.

2. The Greek Cypriot State shall have its own anthem, as per attached Annex B.

3. The authorities of the Greek Cypriot State and any public corporation or public utility body created by or under its laws shall fly on public buildings the flag of the Greek Cypriot State and the flag of the United Cyprus Republic, and may, together with these, fly the flag of the European Union; no other flag shall fly on such buildings.

4. Any person shall have the right to fly any flag without any restriction.

Article 6 – Official Holidays

1. The official holidays of the Greek Cypriot State shall include the official holidays specified in Article 10 of the Constitution of the United Cyprus Republic.

2. Additional holidays shall be determined and regulated by Law of the House of Representatives.

Article 7 - State Secularity

1. The Greek Cypriot State shall be secular.

2. Religious functionaries shall be ineligible to hold elected or appointed political public office.

Article 8 – Internal State Citizenship Status

1. Internal Greek Cypriot State citizenship status shall be regulated by the Constitutional Law on the Internal Constituent State Citizenship Status and Constituent State Residency Rights, and, within the framework and limits of such Constitutional Law, by relevant law of the Greek Cypriot State.

2. Laws of the Greek Cypriot State may regulate the acquisition of internal constituent State citizenship status by persons hailing from the Turkish Cypriot State.

3. There shall be no discrimination, direct or indirect, in the grant of internal constituent state citizenship status of the Greek Cypriot State because of race, national or ethnic origin, color, religion, language, culture, sex, gender orientation, age, mental or physical disability, social

origin, political or other opinion, association with a minority group, property, birth or other status.

Article 9 – Political Rights

1. Within the limits of the federal Constitution, the Constitutional Law on the Internal Constituent State Citizenship Status and Constituent State Residency Rights, and European Union law, as they may be amended, Citizens of the United Cyprus Republic, who are permanently resident in the Greek Cypriot State and have been so resident for at least six months, shall, in accordance with the prescriptions in the Electoral and other relevant Laws, be registered in the electoral rolls at their place of residency and shall have the right to participate in elections for the President of the Government and the House of Representatives of the Greek Cypriot State or for local government bodies, and to stand for public office, at the local government level; provided that a law may provide for the exercise of political rights by persons holding the internal constituent state citizenship status of the Greek Cypriot State and residing outside Cyprus.

PART II. FUNDAMENTAL RIGHTS AND LIBERTIES

Article 10 – Applicability

1. The legislative, executive and judicial authorities of the Greek Cypriot State shall be bound to secure, within the limits of their respective competence, the efficient application of the provisions of this Part.
2. In the interpretation of fundamental rights and liberties and their restrictions due account shall be taken to jurisprudence and other guidance from European and international human rights bodies in accordance with Article 11 of the Constitution of the United Cyprus Republic.

Article 11 – Equality and Non-Discrimination

1. Subject to the provisions of Articles 12, 13 and 22 of the Constitution of the United Cyprus Republic, the Constitutional Law on Internal Constituent State Citizenship Status and Constituent State Residency Rights and the express provisions of this Constitution, everyone is equal before the Law and no law or decision of the House of Representatives and no act or decision of any organ, authority or person in the Greek Cypriot State exercising executive power or administrative functions, shall discriminate against any person on the ground of his community origins, internal constituent state citizenship status, ethnic or religious identity or origin, color, race, culture, language, sex, gender orientation, age, mental or physical disability, social origin, political or other opinion, association with a minority group, property, birth or other status; provided that nothing in this Article and in Article 22 shall prevent the State from taking positive measures in favour of women, disabled persons or other disadvantaged groups, in accordance or within the limits for the time being of the Acquis Communautaire.
2. No citizen shall be entitled to use or enjoy any privilege of any title of nobility or of social distinction within the Greek Cypriot State.
3. No title of nobility or other social distinction shall be conferred by or recognised in the Greek Cypriot State.

Article 12 - Life

1. Every person has the right to life.

2. No person shall be deprived of his life.

3. No one shall be condemned to the death penalty or executed.

4. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary -

(a) in defence of person or property against the infliction of a proportionate and otherwise unavoidable and irreparable evil;

(b) in order to effect an arrest or to prevent the escape of a person lawfully detained, subject always to the principle of proportionality;

(c) in action taken for the purpose of quelling a riot or insurrection, when and as provided by law.

Article 13 - Right to the integrity of the person

1. Everyone has the right to respect for his or her physical and mental integrity.

2. In the fields of medicine and biology, the following must be respected in particular:

(a) subject and according to the procedure laid down by law, the free and informed consent of the person concerned or his guardian,

(b) the prohibition of eugenic practices, in particular those aiming at the selection of persons,

(c) the prohibition of making the human body and its parts as such as source of financial gain,

(d) the prohibition of reproductive cloning of human beings.

Article 14 – Prohibition of Torture

No person shall be subjected to torture or to inhuman or degrading punishment or treatment.

Article 15 – Prohibition of Slavery, Forced Labour and Trafficking in Human Beings

1. No person shall be held in slavery or servitude.

2. No person shall be required to perform forced or compulsory labour.

3. For the purposes of this Article the term "forced or compulsory labour" shall not include -

(a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 16 or during conditional release from such detention;

(b) any service exacted in case of an emergency or calamity threatening the life or well-being of the inhabitants.

4. Trafficking in human beings is prohibited.

Article 16 – Liberty and Security of Person

1. Every person has the right to liberty and security of person.

2. No person shall be deprived of his liberty save in the following cases when and as provided by law: -

(a) the detention of a person after conviction by a competent court;

(b) the arrest or detention of a person for non-compliance with the lawful order of a court;

(c) the arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it

is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d) the detention of a minor by a lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) the detention of persons for the prevention of spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

3. Save when and as provided by law in case of a flagrant offence punishable imprisonment, no person shall be arrested upon suspicion of having committed an offence, save under the authority of a reasoned judicial warrant issued according to the formalities and standards prescribed by the law.

4. Every person arrested in virtue paragraph 3 of this Article shall be promptly:

(a) informed in a language which he understands of the reasons for his arrest, and

(b) allowed to have the services of a lawyer and a doctor of his own choosing.

(c) allowed to notify one member of his family.

5. The person arrested in virtue of paragraph 3 of this Article shall, as soon as is practicable after his arrest, and in any event not later than twenty-four hours after the arrest, be brought before a judge, if not earlier released.

6. The judge before whom the person arrested is brought shall promptly proceed to inquire into the grounds of the arrest in a language understandable by the person arrested and shall, as soon as possible and in any event not later than three days from such appearance, either release the person arrested on such terms as s/he may deem fit or where the investigation into the commission of the offence for which s/he has been arrested has not been completed remand him in custody and may remand him in custody from time to time for a period not exceeding eight days at any one time:

Provided that the total period of such remand in custody shall not exceed three months of the date of the arrest on the expiration of which every person or authority having the custody of the person arrested shall forthwith set him free.

Any decision of the judge under this paragraph shall be subject to appeal.

7. Every person who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

8. Every person who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

Article 17 – Rights of Accused Persons

1. No person shall be held guilty of any offence on account of any act or omission which did not constitute an offence under the law at the time when it was committed; and no person shall have a heavier punishment imposed on him for an offence other than that expressly provided for it by law at the time when it was committed.

2. A person who has been acquitted or convicted of an offence shall not be tried again for the same offence. No person shall be punished twice for the same act or omission.

3. No law shall provide for a punishment which is disproportionate to the gravity of the offence.

4. Every person charged with an offence shall be presumed innocent until proved guilty according to law.

5. Every person charged with an offence has the following minimum rights: -

(a) to be informed promptly and in a language which he understands and in detail of the nature and grounds of the charge preferred against him;

(b) to have adequate time and facilities for the preparation of his defence;

(c) to defend himself/herself in person or through a lawyer of his own choosing or, if he has insufficient means to pay for legal assistance, to be given free legal assistance when the interests of justice so require;

(d) to examine or to have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if s/he cannot understand or speak the language used in court.

6. A punishment of general confiscation of property is prohibited.

Article 18 – Fair Trial

1. No person shall be denied access to the court assigned to him by or under this Constitution. The establishment of judicial committees or exceptional courts under any name whatsoever is prohibited.

2. In the determination of his civil rights and obligations or of any criminal charge against him, every person is entitled to a fair and public hearing within a reasonable time by an independent, impartial and competent court established by law. Judgment shall be reasoned and pronounced in public session, but the press and the public may be excluded from all or any part of the trial upon a decision of the court where it is in the interest of public order, public safety, public morals, or where the interests of juveniles or the protection of the private life of the parties so require, or, in special circumstances where, in the opinion of the court, publicity would prejudice the interests of justice.

3. Every person has the right -

(a) to be informed of the reasons why s/he is required to appear before the court;

(b) to present his case before the court and to have sufficient time necessary for its preparation;

(c) to adduce or cause to be adduced his evidence and to examine witnesses according to law;

(d) to have a lawyer of his own choice;

(e) to have free assistance of an interpreter if he cannot understand or speak the language used in court.

4. Legal aid shall be made available to those who lack sufficient resources to ensure sufficient access to justice.

Article 19 – Right of Petition and Access to Court

1. Every person has the right individually or jointly with others to address written requests or complaints to any competent public authority and to have them attended to and decided expeditiously; an immediate notice of any such decision taken, which shall be duly reasoned, shall be given to the person making the request or complaint, and in any event shall be given within a period not exceeding forty five days.
2. Where any interested person is aggrieved by any such decision or where no such decision is notified to such person within the period specified in paragraph 1 of this Article, such person may have recourse to a competent court in the matter of such request or complaint.
3. All persons whose existing legitimate interest or right is adversely and directly affected by a decision, measure, or act of any public organ or authority or any person exercising or purporting to exercise any executive or administrative authority contrary to any of the provisions of the Constitution of United Cyprus Republic, within the limits thereof, of this Constitution or of any Law of the Greek Cypriot State, or is made in excess or in abuse of powers vested in such organ, or authority or person, shall have the right of access to the courts of the Greek Cypriot State.

Article 20 – Right of access to documents

A Law shall provide for the right of every person within the jurisdiction of the Greek Cypriot State to have access to documents of the administration concerning him. Such law may provide that the exercise of such right shall be subject to such formalities, conditions or restrictions as are prescribed by law and are necessary in a democratic society in the interests of the constitutional order, public safety, public order, public security, public health, public morals or for the protection of the rights or liberties guaranteed by this Constitution to any person.

Article 21 – Privacy, Home and Communications

1. Everyone has the right to respect for his private and family life, his home and his communications..
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of public order or public safety or the economic well-being of United Cyprus Republic or of either State, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
3. In all such cases the interferences shall be permissible, only under a warrant, order or judgment of a competent Court.

Article 22 – Personal Data

Personal data shall be protected as prescribed by law.

Article 23– Right to Marry

Any person reaching nubile age is free to marry and to found a family according to the law relating to marriage.

Article 24 – Freedom of Movement and Residence

1. Subject to the provisions of Article 11.3 of the Constitution of the United Cyprus Republic, every person has the right to move freely within the Greek Cypriot State and to reside in any part thereof, and subject also to any restrictions imposed by law and which are necessary only for the purposes of public safety, public order or public health, or provided as punishment to be passed by a competent court.

2. Any provisions regulating and restrictions imposed on freedom of movement and of residence in the Greek Cypriot State, shall be in accordance with the provisions of the Federal Constitution and Constitutional Laws of the United Cyprus Republic and the Federal Law on the Free Movement of Residents or the Nationals of the Member States of the European Union and their families.

3. The provisions of this Article are subject to European Union Law and Federal Laws, rules and regulations governing asylum, extradition and deportation.

Article 25 – Rights to Property

1. Every person, alone or jointly with others, has the right to acquire, own, possess, enjoy or dispose of any movable or immovable property and has the right to respect for such right.

2. All property located in the Greek Cypriot State, other than Federal Property and property owned by any person or body of persons or any other body corporate, is the property of the Greek Cypriot State.

3. Underground water, and minerals located in the Greek Cypriot State are its property.

4. No deprivation or restriction or limitation of any property right shall be made except as provided in this Article.

5. Restrictions or limitations, which are absolutely necessary in the interest of public safety, or public health, or public morals, or town and country planning, or the development and utilisation of any property for promotion of the public benefit, or for the protection of the rights of others, may be imposed by law on the exercise of such right.

Just compensation shall be promptly paid for any such restrictions or limitations which materially decrease the economic value of such property: such compensation shall be determined in case of disagreement by a civil court.

6. Any movable or immovable property, or any right over, or interest in any such property, may be compulsorily acquired by the Greek Cypriot State or by a municipal corporation but only

(a) for a purpose which is to the public benefit and is specially provided for by the Law governing compulsory acquisition;

(b) when such purpose is established by a decision of the acquiring authority and made under the provisions of such Law, stating clearly the reasons for such acquisition; and

(c) upon the payment in cash of equitable compensation, to be determined in case of disagreement by a civil court.

7. Any immovable property, or any right over or interest in any such property, compulsorily acquired shall only be used for the purpose for which it has been acquired. If within five years of the acquisition such purpose has not been attained, the acquiring authority shall,

immediately after the expiration of the said period of five years, offer the property at the price it has been acquired to the person from whom it has been acquired. Such person shall be entitled within three months of the receipt of such offer to signify his acceptance or non-acceptance of the offer, and, if he signifies acceptance, such property shall be returned to him immediately after his returning such price within a further period of three months from such acceptance.

8. Nothing in paragraphs 5 and 6 of this Article contained shall affect the provisions of any law made for the purpose of levying execution in respect of any tax or penalty, executing any judgment, enforcing any contractual obligation or for the prevention of danger to life or property.

9. Any movable or immovable property may be requisitioned by the Greek Cypriot State but only -

(a) for a purpose which is to the public benefit and which is specially provided for by the Law governing requisitioning;

(b) when such purpose is established by a decision of the requisitioning authority and made under the provisions of such Law, stating clearly the reasons for such requisitioning;

(c) the requisitioning is for a period not exceeding three years; and

(d) there is prompt payment in cash of equitable compensation to be determined in case of disagreement by a civil court.

10. Any interested person shall have the right of recourse to the court in respect of or under any of the provisions of this Article, and such recourse shall act as a stay of proceedings for the compulsory acquisition; and in case of any restriction or limitation imposed under paragraph 5 of this Article, the court shall have power to order stay of any proceedings in respect thereof.

Any decision of the court under this paragraph shall be subject to appeal.

11. Intellectual property rights are to enjoy the protection of this Article, subject to European Union Law, Federal Laws and international treaties binding on the United Cyprus Republic.

Article 26 – Public Burdens

1. Every person is bound to contribute according to his means towards public burdens of the Greek Cypriot State.

2. No such contribution by way of tax, duty or rate of any kind whatsoever shall be imposed save by or under the authority of a Law, subject to the provisions of Article 14.1(d) of the Constitution of the United Cyprus Republic.

3. The Greek Cypriot State shall not impose any tax, duty or rate of any kind whatsoever with retrospective effect.

4. The Greek Cypriot State shall not impose any tax, duty or rate of a destructive or prohibitive nature.

5. Federal property used for official purposes and Federal revenues shall be exempt from the application of legislation of the Greek Cypriot State imposing taxation, and property used or

to be used for official purposes by the Greek Cypriot State shall not be liable to customs and excise duties or other indirect taxation.

Article 27 – Social Security

Every person has the right to a decent existence, health, social security benefits and social services. A Law shall provide for the protection of workers, assistance to the poor and for a system of social insurance.

Article 28 – Environment

A high level of environmental protection and the improvement of the quality of the environment shall be integrated into the policies of the Greek Cypriot State and ensured in accordance with the principle of sustainable development.

Article 29 – Right to Education

1. Every person has the right to receive, and every person or institution has the right to give, instruction or education subject to such formalities, conditions or restrictions as are in accordance with law and are necessary only in the interests of public safety, public order, public health, public morals, or for maintaining standards and quality in education, or for the protection of the rights and liberties of others, including the right of parents to secure for their children such education as is in conformity with their religious and philosophical convictions.
2. Free primary and secondary school education shall be made available by the Greek Cypriot State.
3. Primary education shall be compulsory for all citizens of such school age as may be determined by Law.
4. Education, other than primary education, shall be made available by the Greek Cypriot State on such terms and conditions as may be determined by Law, subject to the official languages of the United Cyprus Republic being taught to all secondary school students in terms of Article 4.4 of this Constitution.

Article 30 – Profession or Occupation

1. Every person has the right to practice any profession or to carry on any occupation, trade or business, subject to the provisions of the Constitution of the United Cyprus Republic.
2. The exercise of this right may be subject to such formalities, conditions or restrictions as are prescribed by law and relate exclusively to the qualifications usually required for the exercise of any profession or are necessary only in the interests of public safety, public order, public health, public morals, or for the protection of the rights and liberties guaranteed by this Constitution to any person.
3. As an exception to the aforesaid provisions of this Article, a Law may provide, if it is in the public interest, that certain enterprises of the nature of an essential public service, or relating to the exploitation of sources of energy or other natural resources owned by the Greek Cypriot State, shall be carried out exclusively by the Greek Cypriot State, or by a municipal corporation, or by a public corporate body created for the purpose by such Law and administered under the control of the Greek Cypriot State, and having a capital which may be derived from public and private funds or from either such source only:

Provided that, where such enterprise has been carried out by any person, other than a municipal corporation or a public corporate body, the installations used for such enterprise shall, at the request of such person, be acquired, on payment of a just price, by the Greek Cypriot State or such municipal corporation or such public corporate body, as the case may be.

Article 31 – Freedom of Contract

1. Every person has the right to enter freely into any contract subject to such conditions, limitations or restrictions as are laid down by the general principles of the law of contract. A Law shall provide for the prevention of exploitation by persons who command economic power.
2. A Law may provide for collective labour contracts of obligatory fulfillment by employers and workers with adequate protection of the rights of any person, whether or not represented at the conclusion of such contract.

Article 32 – Right to Strike

1. The right to strike is recognised and its exercise may be regulated by law for the purposes only of safeguarding public safety, public order, the maintenance of supplies and services essential to the life of inhabitants, or the protection of the rights and liberties guaranteed by this Constitution to any person.
2. The members of the police shall not have the right to strike. A law may extend such prohibition to the members of the public service.

Article 33 – Freedom of Assembly and Association

1. Every person has the right to freedom of peaceful assembly.
2. Every person has the right to freedom of association with others, including the right to form and to join political parties and trade unions. Notwithstanding any restriction under paragraph 3 of this Article, no person shall be compelled to join any association or to continue to be a member thereof.
3. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are absolutely necessary only in the interests of public safety, public order, public health, public morals, or for the protection of the rights and liberties guaranteed by this Constitution to any person, whether or not such person participates in such assembly or is a member of such association.
4. Any association the object or activities of which are contrary to the constitutional order is prohibited.
5. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the police or of the administration of the State.
6. The provisions of this Article shall apply to the formation of companies, societies and other associations functioning for profit, subject to the provisions of any Law regulating their establishment or incorporation, membership (including rights and obligations of members), management and administration, and winding up and dissolution.

Article 34 – Freedom of Expression

1. Every person has the right to freedom of speech and expression in any form.
2. This right includes freedom to hold opinions and receive and impart information and ideas without interference by any public authority and regardless of frontiers or boundaries.
3. The exercise of the rights provided in paragraphs 1 and 2 of this Article may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary only in the interests of the public safety, public order, public health, public morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, for maintaining the authority and impartiality of the judiciary.
4. Seizure of newspapers or other printed matter is not allowed without the written permission of the Attorney-General of the Greek Cypriot State, which must be confirmed by the decision of a competent court within a period not exceeding seventy-two hours, failing which the seizure shall be set aside.
5. Nothing in this Article contained shall prevent requiring, according to law, the licensing of sound and vision broadcasting or cinema enterprises.

Article 35 – Thought, Conscience and Religion

1. Every person has the right to freedom of thought, conscience and religion.
2. All religions whose doctrines or rites are not secret are free.
3. All religions are equal before the law. No legislative, executive or administrative act of the Greek Cypriot State shall discriminate against any religious institution or religion.
4. Every person is free and has the right to profess his faith and to manifest his religion or belief, in worship, teaching, practice or observance, either individually or collectively, in private or in public, and to change his religion or belief.
5. The use of physical or moral compulsion for the purpose of making a person change or preventing him from changing his religion is prohibited.
6. Freedom to manifest one's religion or belief shall be subject only to such limitations as are prescribed by law and are necessary in the interests of the public safety, public order, public health, public morals, or for the protection of the rights and liberties guaranteed to any person by this Constitution.
7. Until a person attains the age of sixteen, the decision as to the religion to be professed by him shall be taken by the person having the lawful guardianship of such person.
8. No person shall be compelled to pay any tax or duty, the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.
9. The Autocephalous Greek-Orthodox Church of Cyprus shall have the exclusive right of regulating and administering its own internal affairs in accordance with the Holy Canons and its Charter in force for the time being, and the House of Representatives shall not act inconsistently with such right.
10. Any right with regard to religious matters possessed in accordance with the law of Cyprus before 21 December 1963 by the governing institutions of a religious group, including

Moslem religious institutions, shall be possessed by such group on or after the date of the coming into operation of this Constitution.

Article 36 – Equality before the Law

1. All persons are equal before the law, the administration and justice, and are entitled to equal protection thereof and treatment thereby.

Article 37 Elections

1. All elections within the competence of the Greek Cypriot State shall be regulated by its Electoral Laws.

2. Any person permanently resident within the jurisdiction of the Greek Cypriot State and has been so resident for at least six months has, subject to the provisions of this Constitution and the electoral laws made thereunder, the right to vote or stand as a candidate in any election held under this Constitution or any such law.

3 The electoral law may provide for the right to vote of persons holding the internal constituent state citizenship status of the Greek Cypriot State and not resident within its jurisdiction.

4. The electoral law shall ensure the free expression of the will of the electors.

Article 38 –Special status areas

Turkish Cypriots residing in the Tillyria villages of Amadhies, Limnitis, Selemeni, Xerovounos, Karavostasi, Ayios Georgios, and Kokkina, and also Turkish Cypriots residing in the Mesaoria villages of Pyla, Skylloura, and Ayios Vasilios, shall enjoy the right to administer their own cultural, religious and educational affairs and to be represented in the House of Representatives and to be consulted on matters of zoning and planning regarding their villages .

The provision as regards consultation shall have immediate effect and the other aforementioned matters shall be regulated by Law; such Law shall be enacted within two years from the coming into force of this Constitution.

Article 39 – Religious Minorities

Maronites, Armenians and Latins shall, within the sphere of competence of the Greek Cypriot State, be afforded the status and rights foreseen in the European Framework Convention for the Protection of National Minorities, in particular the right to administer their own cultural, religious and educational affairs and to be represented in the House of Representatives. Detailed regulation of such matters shall be made by Law.

Article 40- Aliens

Subject to European Union Law, the Constitution of the United Cyprus Republic, international law and federal legislation nothing in this Part contained shall preclude the Greek Cypriot State from regulating by law any matter relating to aliens.

Article 41 – Guidelines for interpretation

1. Nothing in this Part may be interpreted as implying for any community, group or person any right to engage in any activity or perform any act aimed at the undermining or destruction of the constitutional order established by the federal Constitution, this Constitution or at the

destruction of any of the rights and liberties set forth in this Part or at their limitation to a greater extent than is provided for therein.

2. The fundamental rights and liberties guaranteed by this Part shall not be subjected to any limitations or restrictions other than those provided by the Constitution of the United Cyprus Republic and by this Part.

3. The provisions of this Part relating to such limitations or restrictions shall be interpreted strictly and shall not be applied for any purpose other than those for which they have been prescribed.

PART III – COMPETENCES OF THE GREEK CYPRIOT STATE

Article 42 – Competences and Functions

1. The Greek Cypriot State, in terms of Article 15.1 of the Federal Constitution, shall exercise within its territorial boundaries all competences and functions not vested in the Federal Government by that Constitution.

2. The Greek Cypriot State shall have:

(a) primary criminal jurisdiction over violation of Federal Laws, unless such jurisdiction is reserved for the Supreme Court of Cyprus or other federal courts by federal legislation,

(b) exclusive jurisdiction over civil, criminal and administrative matters arising within the Greek Cypriot State, except as limited by the jurisdiction of the said Supreme Court or other federal courts conferred upon them by the Federal Constitution or by Federal Constitutional Laws; subject to the Constitution of the United Cyprus Republic, the law may provide for further jurisdiction in respect of any matter,

(c) extra-territorial jurisdiction as provided by Law; subject to the Constitution of the United Cyprus Republic.

3. The police of the Greek Cypriot State shall be stationed and subject to the right of hot pursuit operate exclusively within the Greek Cypriot State and shall be responsible for the protection and enforcement of law, order and public safety within such State, including offences against Federal Laws, without prejudice to the functions of the Federal police and the Joint Investigation Agency, to the provisions of the Constitutional Laws on Police Matters and Composition and Functions of the Joint Investigation Agency, and to the Cooperation Agreement on Police Matters.

4. Where the Federal Government has entrusted the implementation of its Laws to authorities of the Greek Cypriot State in terms of Article 14.3 of the Federal Constitution, the Greek Cypriot State shall have competence in this respect and shall act in accordance with the procedure set out in the Federal Law on Implementation of Federal Laws by State Authorities.

5. Where the Greek Cypriot State enjoys legislative competences in respect of the subject matter of an international treaty, the Greek Cypriot State shall, in terms of Article 14.4 of the Federal Constitution, implement any obligations of the United Cyprus Republic thereunder.

Article 43 – Participation in the External Relations of the United Cyprus Republic

1. The Greek Cypriot State shall take part in consultations with the Federal Executive on Federal decisions on external relations that affect its competence.

2. The Greek Cypriot State may appoint representatives on commercial and cultural matters, who shall be accredited as part of diplomatic missions of the United Cyprus Republic.

3. The Greek Cypriot State may also conclude agreements on commercial and cultural matters with authorities of States that have relations with the United Cyprus Republic, provided that such agreements do not cause prejudice to the United Cyprus Republic, the authority of the Federal Government, or the Turkish Cypriot State, and are compatible with European Union membership of Cyprus.

4. In the exercise of the powers conferred by paragraphs 2 and 3 of this Article, the following procedures shall be observed:

a. The Greek Cypriot State shall use the channel of the Federal Department of Foreign Affairs for contacts at a political level with foreign governments; and

b. The Greek Cypriot State may have direct contacts with sub-entities or subordinate authorities of other States. In this case it shall inform the Federal Department of Foreign Affairs upon starting negotiations on any agreement with such authorities and continue to advise on the process and outcome of such negotiations.

5. Subject to any subsequent amendments, the Cooperation Agreement on External Relations shall regulate the implementation of Article 18 of the Federal Constitution and shall to the extent of its relevance govern the representation and agreement-making competence of the Greek Cypriot State.

Article 44 – Participation in the European Union Relations of the United Cyprus Republic

1. The Greek Cypriot State shall participate in the formulation of the policy of the United Cyprus Republic in the European Union.

2. Where a matter falls predominantly or exclusively into an area of competence of the Greek Cypriot State, representation may be either by the Federal Executive or by a representative of the Greek Cypriot State, provided that the latter is authorized to commit the United Cyprus Republic.

3. Obligations of the United Cyprus Republic arising out of European Union membership shall be implemented by the Federal or Greek Cypriot State authority, which enjoys legislative competence for the subject matter to which an obligation pertains. The establishment of administrative structures necessary for the implementation of the *acquis communautaire*, other than prescribed simple national administrative structures, may be effected in and by the Greek Cypriot State on the basis of efficiency requirements.

4. If the Greek Cypriot State fails to fulfill obligations of the United Cyprus Republic vis-à-vis the European Union within its area of competence and the United Cyprus Republic may be held responsible by the Union, upon the Federal Government notifying the Greek Cypriot State no less than 90 days (or a shorter period if indispensable according to European Union requirements), of the necessity for it taking measures in lieu of the Greek Cypriot State and that such measures shall be in force until such time as the Greek Cypriot State discharges its responsibilities, the Greek Cypriot State shall promptly discharge the responsibilities in question, thereby ensuring fulfillment of the obligations of the United Cyprus Republic.

5. The Cooperation Agreement between the Federal Government and the states on European Union Affairs, as from time to time amended, shall regulate aspects of European Union Affairs which fall exclusively or predominantly within the area of competence of the Greek Cypriot State and shall, in connection with such affairs, also regulate its relationship with the Federal Government and the Turkish Cypriot State.

Article 45 – Co-operation and Co-ordination

1. In accordance with the Federal Constitutional Law on the Elaboration and Adoption of Constitutional Laws, the House of Representatives, in conjunction with the Federal Parliament and the legislature of the Turkish Cypriot State, may enact laws binding upon the Federal Government and both states.

2. The Greek Cypriot State may conclude agreements with the Turkish Cypriot State or with the Federal Government, thereby creating common organizations and institutions within the competence of the parties, and any such agreements shall have the standing of Federal Constitutional Laws, provided they have been approved by the federal Parliament and both state legislatures.

3. The Greek Cypriot State shall strive to co-ordinate or harmonise its policy and legislation, including through agreements, common standards and consultations as indicated in Article 16.3 of the Federal Constitution.

PART IV – THE EXECUTIVE

Article 46 – The President of the Government

1. The President of the Government of the Greek Cypriot State is the Head of Government of the Greek Cypriot State and takes precedence over all persons therein.

2. In the event of temporary absence or temporary incapacity by the President in respect of performing his duties, the President of the House of Representatives or, in case of the latter's absence or pending the filling of a vacancy in any such office, the Representative acting for him under Article 75.3 of this Constitution shall act for the President during such temporary absence or temporary incapacity.

Article 47 – Functions of the President

The President

(a) represents the Greek Cypriot State in all its official functions;

(b) signs

(i) the agreements which the Greek Cypriot State may conclude on commercial and cultural matters, in accordance with, and subject to, the provisions of Article 18 of the Federal Constitution;

(ii) the credentials of delegates appointed for the negotiation of the afore-mentioned agreements, or for signing any such agreements already negotiated; and

(iii) the Cooperation Agreements and any co-ordination, harmonization or other Agreements between the Greek Cypriot State and the Turkish Cypriot State or/and the Federal Government;

(c) appoints representatives on commercial and cultural matters, who shall be accredited as part of the diplomatic missions of the United Cyprus Republic;

(d) confers the honours of the Greek Cypriot State;

(e) participates in the meetings of the Presidential Council of the United Cyprus Republic, as provided by Article 26.9 of the Federal Constitution.

(f) oversees the implementation of Federal Laws by the Council of Ministers, when such implementation is entrusted to the Greek Cypriot State authorities by the Federal Government; and

(g) oversees the implementation of the obligations of the United Cyprus Republic arising out of European Union membership and international treaties, when the subject matter to which an obligation pertains falls within the legislative competence of the Greek Cypriot State.

Article 48– Election of the President

1. The election of the President shall be direct, by universal suffrage and secret ballot, provided that if there is only one candidate for election that candidate shall be declared as elected.

2. A candidate who receives more than fifty per centum of the votes validly cast shall be elected. If none of the candidates attains the required majority, the election shall be repeated on the corresponding day of the week next following between the two candidates who received the greater number of the votes validly cast, and the candidate who receives at such election the greatest number of the votes validly cast shall be deemed to be elected.

3. If the election cannot take place on the date fixed under this Constitution owing to extraordinary and unforeseen circumstances such as earthquake, floods, general epidemic and the like, then such election shall take place on the corresponding day of the week next following.

Article 49 – Qualifications for Candidacy

A person shall be qualified to be a candidate for election as President of the Government of the Greek Cypriot State if at the time of election such person

(a) is a citizen of the United Cyprus Republic;

(b) has attained the age of thirty-five years;

(c) has not been, on or after the date of the coming into operation of this Constitution, convicted of an offence involving dishonesty or moral turpitude or is not under any disqualification imposed by a competent court for any electoral offence;

(d) is not suffering from a mental disease incapacitating such person from acting as President of the Government of the Greek Cypriot State; and

(e) has been permanently resident in the Greek Cypriot State for at least six months.

Article 50– Ineligibility and Incompatibility

1. The office of the President shall be incompatible with that of a member of any municipal council, including a Mayor, or with a public or municipal office. For the purposes of this Article “public office” means any office of profit in the public service of the Greek Cypriot State or of the United Cyprus Republic, the emoluments of which are under the control either of the Greek Cypriot State or the United Cyprus Republic, and includes any office in any public corporation or public utility body.

2. The President shall not, during his term of office, engage either directly or indirectly, either for his own account or for the account of any other person, in the exercise of any profit or non-profit making business or profession.

Article 51 – Investiture

1. The President shall be invested by the House of Representatives before which he or she makes the following affirmation:

“I do solemnly affirm faith to, and respect for the Constitution of the Greek Cypriot State and the Constitution of the United Cyprus Republic and the Laws made thereunder.

2. For this purpose the House of Representatives shall meet on the date the five years’ period of office of the outgoing President expires, and, in the case of a by-election under paragraph 4 of Article 53, on the third day from the date of such by-election.

Article 52 – Term of Office

1. The President shall hold office for a period of five years commencing on the date of his investiture and shall continue to hold such office until investiture of the next President.

2. The President elected at a by-election under paragraph 4 of Article 53 shall hold office for the unexpired period of office of the President of the Government of the Greek Cypriot State, whose vacancy he has been elected to fill.

Provided that if the unexpired period is less than a year, the person elected President shall hold office both for such unexpired period and for a further period of five years and shall continue to hold such office until the next President is invested.

3. The election of a new President shall take place before the expiration of the period of office of the outgoing so as to enable the newly-elected President to be invested on the date such period expires.

Article 53 – Vacancy

1. The office of the President shall become vacant

(a) upon death;

(b) upon written resignation addressed to the House of Representatives through, and received by, its President

(c) upon conviction of High Treason according to Federal Law;

(d) upon conviction of any offence involving dishonesty or moral turpitude;

(e) upon such permanent physical or mental incapacity or such absence, other than temporary, as would prevent him from effectively performing his duties.

2. In the event of a vacancy in the office of the President, the President of the House of Representatives shall, during such vacancy, act as President of the Government.

3. The High Court shall decide on any question arising out of sub-paragraph (e) of paragraph 1 of this Article on a motion by the Attorney-General of the Greek Cypriot State upon a resolution of the House of Representatives, carried by a simple majority:

Provided that no such resolution shall be taken and no item shall be entered on the agenda or debated in the House of Representatives in connection therewith unless the proposal for such resolution is signed by at least one fifth of the total number of Representatives.

4. In the event of a vacancy in the office of the President of the Greek Cypriot State, the vacancy shall be filled by a by-election which shall take place within a period not exceeding forty-five days of the occurrence of such vacancy.

Article 54 – Immunity and Prosecution

1. The President shall not be liable to any criminal prosecution under Greek Cypriot State Law during his term of office except under the provisions of this Article.
2. The President may be prosecuted for an offence involving dishonesty or moral turpitude upon a charge preferred by the Attorney-General before the High Court.
3. (1) The President, upon being prosecuted under paragraph 2 of this Article shall be suspended from the performance of any of the functions of his office and thereupon the provisions of paragraph 2 of Article 46 shall apply.
(2) The President on any such prosecution shall be tried by the High Court; on his conviction his office shall become vacant and on his acquittal he shall resume the performance of the functions of his office.
4. Subject to paragraph 2 of this Article, the President shall not be liable to prosecution for any offence committed by him in the execution of his functions, but he may be prosecuted for any other offence committed during his term of office after he ceases to hold office.
5. No action shall be brought against the President in respect of any act or omission committed by him in the exercise of any of the functions of his office:

Provided that nothing in this paragraph contained shall be construed as in any way depriving any person of the right to sue the Greek Cypriot State as provided by Greek Cypriot State law.

Article 55 – Council of Ministers

1. The executive power shall be ensured by the President of the Government of the Greek Cypriot State. The President, in order to ensure the executive power, shall have a Council of Ministers composed of up to 14 Ministers. The Ministers shall be designated by the President, who shall appoint them by an instrument signed by him. The Law may provide for up to 6 under-secretaries.

Subject to the executive power expressly reserved under Articles 47 and 56 to the President, the Council of Ministers shall exercise executive power in all other matters, including the following:

- (a) the general direction and control of the government of the Greek Cypriot State and the direction of general policy;
- (b) the aspects of external relations and European Union Affairs as in Articles 43 and 44 set out, including commercial and cultural relations as set out in Article 18 of the Federal Constitution;
- (c) public order and safety;
- (d) the co-ordination and supervision of all public services;
- (e) the supervision and disposition of property belonging to the Greek Cypriot State in accordance with the provisions of this Constitution and the law;
- (f) consideration of Bills to be introduced to the House of Representatives by a Minister;
- (g) making of any order or regulation for the carrying into effect of any Law as provided by such Law;
- (h) consideration of the Budget of the Greek Cypriot State to be introduced to the House of Representatives;

- (i) implementation of Federal Laws, when such implementation is entrusted to the Greek Cypriot State authorities by the Federal Government; and
- (j) implementation, within its area of competence, of the obligations of the United Cyprus Republic arising out of European Union membership and international treaties, when the subject matter to which an obligation pertains falls within the competence of the Greek Cypriot State.
- (k) Appointment of Casual Employees in the Public Service in accordance with and as provided by law.

2. The decisions of the Council of Ministers shall be taken by majority and unless otherwise specified in the decision itself, shall be promulgated immediately by the President by publication in the Gazette.

Article 56– Executive Power of the President

The executive power exercised by the President consists of the following matters, that is to say, in particular:

- (1) appointment and dismissal of the members of the Council of Ministers;
- (2) promulgation by publication in the Gazette of decisions of the Council of Ministers, as in Article 55.2 provided;
- (3) promulgation by publication in the Gazette of any Law or decision passed by the House of Representatives as in Article 59 provided;
- (4) appointments and dismissals as provided by this Constitution;
- (5) exercise of the prerogative of pardon; remission, suspension and commutation of sentences as in Article 60 provided;
- (6) right of reference to the High Court as provided in this Constitution;
- (7) publication in the Gazette of decisions of the High Court as provided in this Constitution;
- (8) exercise of any of the powers specified in Article 57;
- (9) address of messages to the House of Representatives as in Article 82 provided.
- (10) convening the meetings of the Council of Ministers, preparing the agenda of such meetings ,presiding at such meetings and taking part in the discussions thereat without any right to vote;
- (11) right of return of laws or decisions of the House of Representatives on the Budget as in Article 58 provided;
- (12) right of reference or recourse to the High Court as provided in this Constitution;
- (13) creation or establishment of the honours of the Greek Cypriot State.

Article 57 – Veto rights over Laws and Decisions of the House of Representatives

1. The President shall have the right of final veto on any Law or decision of the House of Representatives or any part thereof concerning

- (i) all aspects of external relations set out in Article 18 of the Federal Constitution which are in whole or in part within the competence of the Greek Cypriot State;
- (ii) all aspects in relation to the European Union set out in Article 19 of the Federal Constitution and which are in whole or in part within the competence of the Greek Cypriot State;

(iii) the establishment, the status and the interests of aliens in the Greek Cypriot State subject to the Federal Laws on Aliens, Immigration and Asylum;

(iv) the following questions of public safety:-

(a) appointment of senior officers in the police service and their promotions;

(b) distribution and stationing of police ;

(c) police laws

2. The above right of veto may be exercised either against the whole of a Law or decision or against any part thereof, and in the latter case such Law or decision shall be returned to the House of Representatives for a decision whether the remaining part thereof will be submitted, under the relevant provisions of this Constitution, for promulgation.

3. The right of veto under this Article shall be exercised within the period for the promulgation of Laws or decisions of the House of Representatives as in Article 59 provided.

Article 58 – Right of Return of Laws

1. The President shall have the right to return any Law or decision or any part thereof of the House of Representatives to the House for reconsideration.

2. On the adoption of the Budget by the House of Representatives, the President may exercise his right to return it to the House of Representatives on the ground that in his judgment there is discrimination.

3. In case a Law or decision or any part thereof is returned to the House of Representatives as in paragraph 1 of this Article provided, the House of Representatives shall pronounce on the matter so returned within fifteen days of such return and in the case of return of the Budget as in paragraph 2 of this Article provided the House of Representatives shall pronounce on the matter so returned within thirty days of such return.

4. If the House of Representatives persists in its decision, the President shall, subject to the provisions of this Constitution, promulgate the Law or decision or the Budget, as the case may be, within the time limit fixed for the promulgation of Laws and decisions of the House of Representatives by publication of such Law or decision or Budget in the Gazette.

5. The right of return under this Article shall be exercised within the period for the promulgation of Laws or decisions of the House of Representatives as in Article 59 provided.

Article 59 – Promulgation

The President shall, within fifteen days of the transmission to his office of any Law or decision of the House of Representatives, promulgate by publication in the official Gazette such Law or decision unless in the meantime he exercises his right of veto, return, reference or recourse to the High Court as provided in this Constitution.

Article 60 – Commutation of Sentences

The President may, following consultation with the Attorney-General, remit, suspend, or commute any sentence, or order of imprisonment, passed by a court of the Greek Cypriot State in all cases.

Article 61 – Executive Power of Ministers

1. A Minister is the Head of his Ministry.

2. Subject to the executive power expressly reserved by this Constitution to the President of the Government and to the Council of Ministers, the executive power exercised by each Minister shall include the following matters:

(a) the execution of laws relating to, and the administration of all matters and affairs usually falling within, the domain of his Ministry;

(b) preparation of orders or regulations concerning his Ministry for submission to the Council of Ministers;

(c) the issuing of directions and general instructions for the carrying out of the provisions of any law relating to his Ministry and of any order or regulation under such law;

(d) the preparation for submission to the Council of Ministers of the part of the Budget of the Greek Cypriot State relating to his Ministry.

(e) representation of the United Cyprus Republic, whenever it is thus provided by the Federal Constitution or by the Cooperation Agreements on External Relations and on European Union Affairs.

Article 62 – Ministers’ Eligibility

1. No person shall be appointed as a Minister unless he is a citizen of the United Cyprus Republic, and has the qualifications required for a candidate for election as a member of the House of Representatives.

2. The office of a Minister shall be incompatible with that of a Member of the House of Representatives Representative or of a member of any municipal council, including a Mayor, or with a public or municipal office.

For the purposes of this paragraph “public office” has the same meaning as in Article 50.

3. The Ministers shall hold office until they resign or their appointment is terminated by the President of the Government of the Greek Cypriot State.

Article 63 - Affirmation

Any person appointed as a Minister shall, before entering upon his office, make before the President of the Government of the Greek Cypriot State the following affirmation: “I do solemnly affirm faith to, and respect for, the Constitution of the Greek Cypriot State and the Constitution of the United Cyprus Republic and all the Laws made thereunder.

Article 64 -Secretariat

1. There shall be a Secretariat of the Council of Ministers headed by one Secretary, who shall be a public officer.

2. The Secretary of the Secretariat of the Council of Ministers shall have charge of the Council of Ministers’ Office and shall, in accordance with such instructions as may be given to him by the Council of Ministers, attend its meetings and keep the minutes thereof and convey the decision of the Council of Ministers to the appropriate organ or authority or person.

PART V – THE LEGISLATURE

Article 65 – Legislative Competence

1. The legislative power of the Greek Cypriot State shall be exercised by the House of Representatives.
2. The legislative competence of the Greek Cypriot State extends over all matters not covered by the exclusive competences of the United Cyprus Republic.
3. The legislative competence of the Greek Cypriot State covers the implementation through legislation of the obligations of Cyprus arising out of European Union membership and international treaties, when the subject matter to which an obligation pertains falls exclusively or predominantly within the legislative competence of the Greek Cypriot State.

Article 66– Size of House of Representatives

The number of Representatives shall be sixty, of whom three shall be elected, as provided by law, by the religious minorities, namely the Maronite, the Armenian and the Latin.

The number of Representatives may be altered by a resolution of the House of Representatives carried by a majority comprising three fifths of the Representatives.

Article 67 – Qualifications for Candidates

A person shall be qualified to be a candidate for election as a Representative if, at the time of the election, that person

- (a) is a citizen of the United Cyprus Republic;
- (b) has attained the age of twenty-five years;
- (c) is an elector;
- (d) has not been convicted of an offence involving dishonesty or moral turpitude or is not under any disqualification imposed by a competent court for any electoral offence; and
- (e) is not suffering from a mental disease incapacitating such person from acting as a Representative.

Article 68 – Term of Office

1. The term of office of the House of Representatives shall be for a period of five years.
2. The outgoing House shall continue in office until the newly-elected House assumes office under paragraph 1 of this Article.

Article 69 – Elections for the House of Representatives

1. A general election for the House of Representatives shall be held on the second Sunday of the month immediately preceding the month in which the term of office of the outgoing House expires.
2. The elections shall be held in accordance with the relevant electoral law which shall adopt a proportional representation system with or without variations.
3. When a vacancy occurs in the seat of a Representative such vacancy shall be filled in accordance with the Electoral Law for the time being in Force.
4. If an election under paragraph 1 of this Article cannot take place on the date fixed by or under this Constitution owing to extraordinary and unforeseen circumstances such as

earthquake, floods, general epidemic and the like, then such election shall take place on the corresponding day of the week next following.

Article 70 - Dissolutions

1. The House of Representatives may dissolve itself only by its own decision carried by an absolute majority.
2. Any such decision shall, notwithstanding anything contained in paragraph 1 of Article 68 and paragraph 1 of Article 69, provide for the date of the holding of the general election, which shall not be less than thirty days and not more than forty days from the date of such decision, and also for the date of the first meeting of the newly elected House which shall not be later than fifteen days after such general election and until such date the outgoing House shall continue to be in office.
3. Notwithstanding anything in paragraph 1 of Article 68 contained, the term of office of the House of Representatives to be elected after dissolution shall be for the unexpired period of the term of office of the dissolved House. In case of dissolution within the last year of the five years' term of office, a general election for the House of Representatives shall take place both for the unexpired part of the term of office of the dissolved House, during which any session of the newly elected House shall be considered to be an extraordinary session, and for the subsequent five years' term of office.

Article 71 – Limit on Law-making

Whenever a House of Representatives continues to be in office until the assumption of office by a newly elected House under either paragraph 2 of Article 68 or paragraph 2 of Article 70, such House shall not have power to make any Laws or to take any decisions on any matter except only in case of urgent and exceptional unforeseen circumstances to be specifically stated in the relevant Law or decision.

Article 72 – Affirmation by Representatives

A Representative, before assuming duties as such in the House of Representatives and at a public meeting thereof, shall make the following affirmation: “I do solemnly affirm faith to, and respect for, the Constitution of the Greek Cypriot State and the Constitution of the United Cyprus Republic, the Laws made there under.

Article 73 – Incompatibility with Office

The office of a Representative shall be incompatible with that of a Minister or Head of Department of the United Cyprus Republic or of a member of any municipal council, including a Mayor, or with a public or municipal office.

For the purposes of this Article “public office” means any office of profit in the service of the United Cyprus Republic or the Greek Cypriot State or the emoluments of which are under the control of the Greek Cypriot State or of the United Cyprus Republic and includes any office in any public corporation or public utility body.

Article 74 - Vacancies

The seat of a Representative shall become vacant
(a) upon his death;

- (b) upon his written resignation;
- (c) upon the occurrence of any of the circumstances referred to in paragraph (d) or (e) of Article 67, or if he ceases to be a citizen of the United Cyprus Republic or
- (d) upon his becoming the holder of an office mentioned in Article 73.

Article 75 – Officers of the House

1. The President of the House of Representatives shall be elected at the beginning and for the whole period of the term of office of the House of Representatives.
2. In case of any vacancy in the office provided in paragraph 1 of this Article, an election as provided in such paragraph shall take place with all due speed and at an extraordinary session if necessary in order to fill such vacancy.
3. In case of temporary absence or pending the filling of a vacancy as provided in paragraph 2 of this Article in the office of the President of the House, his functions shall be performed by the most senior Representative, unless the House shall otherwise decide.
4. In addition to the President of the House, there shall be appointed from amongst the Representatives by the President of the House five Clerks of the House who shall be attached to the office of the President of the House.

Article 76 - Procedure

The House of Representatives by its Standing Orders regulates any matter of parliamentary procedure and of the functions of its offices.

Article 77 - Sessions

1. The House of Representatives shall meet on the fifteenth day next following a general election and thereafter in each year on the corresponding day in such year without summons for its ordinary session.
2. The ordinary session of the House of Representatives shall last for a period of three to six months in each year, as the House of Representatives may determine.
3. The House of Representatives shall be summoned to an extraordinary session by the President of the House on the request of ten Representatives addressed to the President of the House.

Article 78 – Meetings of the House

1. The meetings of the House of Representatives shall be open to the public and the minutes of its debates shall be published.
2. The House of Representatives may, if it thinks necessary, hold sessions in camera on the resolution carried by a three fifths majority vote of the total number of Representatives.

Article 79 – Times and Agendas of Meetings

1. The President of the House shall declare the commencement and the end of every meeting.
2. The President of the House in declaring the end of a meeting shall at the same time announce the date and time fixed, with the consent of the House of Representatives, of the meeting next following and shall present to the House of Representatives the agenda of such meeting.

3. Any agenda shall be printed and distributed to the Representatives at least twenty-four hours prior to the meeting, but if such agenda relates to the topic already under debate such distribution may be made at any time prior to the meeting.

Article 80 - Quorum and adjournments

The quorum of the House of Representatives shall consist of at least one-third of the total number of its members.

Article 81 - Voting

Laws and decisions of the House of Representatives shall be passed by a simple majority vote of the Representatives present and voting.

Article 82 – Messages and Statements

1. The President of the Government of the Greek Cypriot State may address the House of Representatives by message, or transmit to the House of Representatives his views through the Ministers.

2. Ministers may follow the proceedings of the House of Representatives or any Committee thereof, and may make a statement to, or inform, the House of Representatives or any Committee thereof, on any subject within their competence.

Article 83 – Introduction of Bills

1. Any Minister and any member of the House of Representatives has the right to introduce a Bill.

2. No Bill relating to an increase in budgetary expenditure can be introduced by any Representative.

Article 84 - Budget

1. The Budget is introduced to the House of Representatives at least three months before the day fixed by law for the commencement of the financial year and is voted by it not later than the day so fixed.

2. Within three months from the end of the financial year the final accounts shall be submitted to the House of Representatives for approval.

Article 85 – Operation of Laws

A Law or decision of the House of Representatives shall come into operation on its publication in the Gazette unless another date is provided by such Law or decision.

Article 86 – Proceedings against Representatives

1. Representatives shall not be liable to civil or criminal proceedings in respect of any statement made or vote given by them in the House of Representatives.

2. A Representative cannot, without the leave of the High Court, be prosecuted, arrested or imprisoned for an offence against the law of the Greek Cypriot State so long as he continues to be a Representative. Such leave is not required in the case of an offence punishable with imprisonment for five years or more in case the offender is taken in the act. In such a case the High Court, being notified forthwith by the competent authority, shall decide whether it

should grant or refuse leave for the continuation of the prosecution or detention so long as the accused person continues to be a Representative.

3. If the High Court refuses to grant leave for the prosecution of a Representative, the period during which the Representative cannot thus be prosecuted shall not be reckoned for the purposes of any period of prescription for the offence in question.

4. If the High Court refuses to grant leave for the enforcement of a sentence of imprisonment imposed on a Representative by a competent court, the enforcement of such sentence shall be postponed until he ceases to be a Representative.

Article 87 - Remuneration

1. Representatives receive from the Public Revenue remuneration defined by Law.

2. Any increase of such remuneration shall not become operative during the term of office of the House of Representatives in which such increase has been made.

Article 88 – Adjudication on qualifications

Any question with regard to the qualifications of candidates for election and election petitions shall be finally adjudicated by the High Court.

PART VI – THE INDEPENDENT OFFICERS OF THE GREEK CYPRIOT STATE

Article 89 – The Attorney-General and Deputy Attorney-General

1. The President of the Government of the Greek Cypriot State shall appoint two persons who are qualified for appointment as judges of the High Court, one to be the Attorney-General of the Greek Cypriot State and the other to be the Deputy Attorney-General.

2. The Attorney-General of the Greek Cypriot State shall be the Head of the Law Office of the Greek Cypriot State which shall be an independent office and shall not be under any Ministry and the Deputy Attorney-General shall be the Deputy Head of such Law Office.

3. The Attorney-General and the Deputy Attorney-General of the Greek Cypriot State shall be members of the permanent legal service of the Greek Cypriot State and shall hold office under the same terms and conditions as a judge of the High Court and shall not be removed from office except on the like grounds and in the like manner as such judge of the High Court.

Article 90 – Powers and Functions

1. The Attorney-General of the Greek Cypriot State assisted by the Deputy Attorney-General shall be the legal adviser of the Greek Cypriot State, of the President of the Government of the Greek Cypriot State, of the Council of Ministers and of the Ministers, and shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by this Constitution or by law.

2. The Attorney-General of the Greek Cypriot State shall have power, exercisable at his discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence against any person in the Greek Cypriot State. Such power may be exercised by him in person or by officers subordinate to him acting under and in accordance with his instructions or through practicing advocates acting under and in accordance with his instructions.

3. The Deputy Attorney-General of the Greek Cypriot State shall have such powers and shall perform such duties as normally appertain to his office and shall, subject to the directions of the Attorney-General of the Greek Cypriot State, exercise all the powers and perform all the functions and the duties vested in the Attorney-General of the Greek Cypriot State under the provisions of this Constitution or by law.

4. The Deputy Attorney-General of the Greek Cypriot State shall act for the Attorney-General of the Greek Cypriot State in case of his absence or his temporary incapacity to perform his duties.

Article 91 - Director of Public Prosecution

Subject to Paragraph 2 of Article 90, a law may provide for the creation of a post of Director of Public Prosecution.

Article 92 – The Auditor-General

1. The President of the Government of the Greek Cypriot State shall appoint two fit and proper persons one to be the Auditor-General and the other to be the Deputy Auditor-General.

2. The Auditor-General shall be the Head and the Deputy Auditor-General shall be the Deputy Head of the Audit Office of the Greek Cypriot State, which shall be an independent office and shall not be under any Ministry.

3. The Auditor-General and the Deputy Auditor-General shall be a members of the permanent public service of the Greek Cypriot State and shall not be retired or removed from office except on the like grounds and in like manner as a judge of the High Court.

Article 93 – Powers and Functions

1. The Auditor-General assisted by the Deputy Auditor-General shall, on behalf of the Greek Cypriot State, control all disbursements and receipts and audit and inspect all accounts of moneys and other assets administered, and of liabilities incurred, by or under the authority of the Greek Cypriot State and for this purpose he shall have the right of access to all books, records and returns relating to such accounts and to places where such assets are kept.

2. The Auditor-General assisted by the Deputy Auditor-General shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by law.

3. The powers, functions and duties of the Auditor-General provided in this Chapter may be exercised by him in person or by such subordinate officers acting under and in accordance with his instructions.

4. The Auditor-General shall submit annually a report on the exercise of his functions and duties under this Chapter to the President of the Government of the Greek Cypriot State who shall cause it to be laid before the House of Representatives.

THE OMBUDSMAN

Article 94

1. Upon a proposal by the President and following approval by the House of Representatives, the President appoints for a fixed term of six years, one person of high professional and moral standard to be the Ombudsman.

2. The Ombudsman shall be an independent officer and shall not be under the President or any Ministry. The Ombudsman shall be assisted by qualified personnel of the Ombudsman's office, who shall be solely under the Ombudsman's authority, as provided by law. The Ombudsman's office shall have its own budget.

3. The Ombudsman shall investigate and/or mediate, upon request or ex proprio motu, between the persons affected by administrative action and the public service, in order to prevent cases of poor administration, bad Government or violation of legal rights. The public servants have the duty to facilitate the enquires of the Ombudsman, under the sanctions provided by law.

4. The Ombudsman shall hold office under the same terms and conditions as a judge of the High Court and shall not be removed from office during his fixed term, except on the like grounds and in the like manner as such judge of the High Court

PART VII – THE PUBLIC SERVICE

General

Article 95 – Definitions

For the purposes of this Chapter, unless the context otherwise requires-

“public office” means an office in the public service of the Greek Cypriot State;

“public officer” means the holder, whether substantive or temporary or acting, of a public office;

“public service” means any service under the Greek Cypriot State, but does not include service in an office the appointment to or the filling of which is, under this Constitution, made by the President of the Government of the Greek Cypriot State in terms of this Constitution or service by workmen, except those who are regularly employed in connection with permanent works of the Greek Cypriot State or any such body as aforesaid.

Article 96 – The Public Service

1. Within the limits of Federal Law and European Union law, the Public Service shall be composed of holders of the Cypriot citizenship permanently residing in the Greek Cypriot State, unless otherwise provided by law.

2. A public servant of the Greek Cypriot State may not simultaneously serve as a public servant of the Federal Government or of the Turkish Cypriot State.

Article 97 – Public Service Commission

1. There shall be a Public Service Commission consisting of a Chairman and six other members appointed by the President of the Government of the Greek Cypriot State.

2. Each member of the Commission shall be appointed for a period of six years, but he may at any time resign his office by writing under his hand addressed to the President of the Government of the Greek Cypriot State.

3. The remuneration and other conditions of service of a member of the Commission shall be provided by a Law and shall not be altered to his disadvantage after his appointment.

4. A member of the Commission shall not be removed from office except on the like grounds and in the like manner as a judge of the High Court.

5. (1) No person shall be appointed as a member of the Commission unless he is a citizen of the Greek Cypriot State, of high moral character and has the qualifications for election as a member of the House of Representatives.

(2) No person shall be appointed as, or be, a member of the Commission who is, or within the preceding twelve months in the case of the Chairman, or six months in the case of any other member, has, either in the United Cyprus Republic or in the Greek Cypriot State, been

(a) a Minister;

(b) a member of the House of Representatives;

(c) a public officer or a member of the Police Force;

(d) an officer or employee of any Public Corporation, local authority or of a body corporate or authority established by law for public purposes; or

(e) a member of a trade union or of a body or association affiliated to a trade union.

6. Where, during any period, a member of the Commission has been granted leave of absence or is unable, owing to absence from the Greek Cypriot State, or to any other cause, to discharge his functions as a member, the President of the Government of the Greek Cypriot State may, for such period, appoint in his place any person who would be qualified to be appointed to exercise such functions.

Article 98 – Functions and Voting

1. Save where other express provision is made in this Constitution with respect to any matter set out in this paragraph and subject to the provisions of any Law, it shall be the duty of the Public Service Commission to appoint, confirm, emplace on the permanent or pensionable establishment, promote, transfer, retire, exercise disciplinary control over, including dismissal or removal from office, of public officers and approve any secondments. Provided that nothing in this Constitution shall preclude the House of Representatives to emplace by law on the permanent or pensionable establishment casual employees exercising duties of public officers; provided further that such law can only be passed once.

2. The Chairman shall convene the meetings of the Commission and shall preside thereat:

Provided that-

(a) no meeting shall be held unless prior notice thereof has been given to all the members;

(b) on an equality of votes the Chairman shall not have a second or casting vote.

3. Any decision of the Commission shall be taken by an absolute majority vote of its members.

PART VIII

Article 99 – The Accountant-General

1. The President of the Government of the Greek Cypriot State shall appoint two fit and proper persons, one to be the Accountant-General and the other to be the Deputy Accountant-General.

2. The Accountant-General shall be the Head and the Deputy Accountant-General shall be the Deputy Head of the Treasury.

3. The Accountant-General and the Deputy Accountant-General shall, notwithstanding Article 95, be a member of the permanent public service of the Greek Cypriot State.

4. The retirement and any disciplinary control, including dismissal or removal from office, of the Accountant-General and the Deputy Accountant-General shall be within the competence of the Public Service Commission.

Article 100 – Powers and Functions

1. The Accountant-General assisted by the Deputy Accountant-General shall manage and supervise all accounting operations in respect of all moneys and other assets administered, and of liabilities incurred, by or under the authority of the Greek Cypriot State and, subject to the provisions of this Constitution or of any Law, shall receive and make all the disbursements of moneys of the Greek Cypriot State.

2. The Accountant-General assisted by the Deputy Accountant-General shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by law.

3. The powers, functions and duties of the Accountant-General provided in this Chapter may be exercised by him in person or by such subordinate officers acting under and in accordance with his instructions.

4. The Deputy Accountant-General shall have such powers and shall perform such functions and duties as normally appertain to his office and also shall, subject to the directions of the Accountant-General, exercise all the powers and perform all the functions and duties vested in the Accountant-General under the provisions of this Constitution or by law.

5. The Deputy Accountant-General shall act for the Accountant-General in case of his absence or his temporary incapacity to perform his duties.

PART IX

Article 101 – Police

1. The Police of the Greek Cypriot State shall number not more than the number specified in the Federal Constitutional Law on State Police as from time to time amended.

2. Members of the Police may only carry weapons appropriate for normal police civilian duties and, so far as concerns the public, all weapons except licensed sporting guns shall be prohibited.

3. There shall be no paramilitary or reserve forces and no military or paramilitary training.

Article 102 – Head and Deputy Head of the Police

The Head and the Deputy Head of the Police of the Greek Cypriot State shall be appointed by the President.

Article 103– Powers and Functions

1. The maintenance of law, order, and public safety shall be the responsibility of the Greek Cypriot State Police Force, subject to the responsibilities of the Federal Police and the Joint Investigation Agency.
2. The Greek Cypriot Police shall function in accordance with the Federal Constitutional Law on State Police, the Constitutional Law on the Joint Investigation Agency and the relevant Law of the Greek Cypriot State.
3. The Greek Cypriot State Police Force shall co-operate with the Federal police, the Joint Investigation Agency and the Turkish Cypriot State police in accordance with the Cooperation Agreement on Police Matters, as well as with the United Nations peace-keeping operation.

PART X - THE HIGH COURT OF THE GREEK CYPRIOT STATE

Article 104

1. (1) There shall be a High Court of the Greek Cypriot State composed of at least 13 Judges, one of whom shall be the President of the Court.
(2) The President and the other judges of the High Court of the Greek Cypriot State shall be appointed by the President of the Greek Cypriot State:
2. The seat of the High Court of the Greek Cypriot State shall be in Nicosia.
3. The judges of the High Court of the Greek Cypriot State shall be citizens of the United Cyprus Republic.
4. The President and the other judges of the High Court of the Greek Cypriot State shall be appointed from amongst Judges and lawyers of high professional and moral standard.
5. (1) The judges of the High Court of the Greek Cypriot State shall be permanent members of the judicial service of the Greek Cypriot State and shall hold office until they attain the age of sixty-eight.
(2) Without prejudice to any retirement pension, gratuity or any other like benefit he may have acquired under the provisions of any law, the President and any judge of the High Court of the Greek Cypriot State may at any time resign his office by writing under his hand addressed to the President of the Government of the Greek Cypriot State.
(3) The President and any judge of the High Court of the Greek Cypriot State shall be retired on account of such mental or physical incapacity or infirmity as would render him incapable of discharging the duties of his office either permanently or for such period of time as would render it impracticable for him to continue in office. A judge so retired shall be entitled to all benefits and emoluments provided by any law in force for the time being.
(4) The President and any judge of the High Court of the Greek State may be dismissed on the ground of misconduct.
6. (1) There shall be established a Supreme Council of Judicature consisting of the President, as Chairman, and the Judges of the High Court of the Greek Cypriot State, as members.
(2) This Council shall have exclusive competence:
(a) to determine all matters relating to the retirement, dismissal or otherwise the termination of the appointment of the President and any Judge of the High Court of the Greek Cypriot

State on any of the grounds provided in sub-paragraphs (3) and (4) of paragraph 5 of this Article,

(b) to appoint, promote, transfer, terminate an appointment, dismiss and exercise disciplinary power on judicial officers.

(c) The competence under sub-paragraphs (a) and (b) shall be exercised by a section of five members of the Council chosen by ballot for a term of two years. Any decision of this section is subject to review by the remaining members of the Council at the request of the person affected.

A law may provide for the division of the Council into a first instance and a reviewing authority.

(3) The proceedings of the Council under sub-paragraph (2) of this paragraph shall be of a judicial nature and the judge concerned shall be entitled to be heard and present his case before the Council.

(4) No judicial officer shall be retired or dismissed except on the like grounds and in the same manner as a judge of the High Court of the Greek Cypriot State.

(5) A decision of the Council taken by a majority shall be binding upon the President of the Government of the Greek Cypriot State who shall act accordingly.

7. No action shall be brought against the President or any other judge of the High Court of the Greek Cypriot State for any act done or words spoken in his judicial capacity.

8. The remuneration and other conditions of service of the President and the judges of the High Court of the Greek Cypriot State shall be fixed by a law.

9. The remuneration and other conditions of service of the President and any judge of the High Court of the Greek Cypriot State shall not be altered to his disadvantage after his appointment.

10. The President of the High Court of the Greek Cypriot State is *primus inter pares*. Subject to this, the conditions and terms of his office are the same as those of the Judges of the High Court of the Greek Cypriot State.

Article 105

1. The sittings of the High Court of the Greek Cypriot State for the hearing of all proceedings shall be public but the Court may hear any proceedings in the presence only of the parties, if any, and the officers of the Court if it considers that such a course will be in the interest of the orderly conduct of the proceedings or if the security of the United Cyprus Republic or the safety of the Greek Cypriot State or the interests of public morals so require.

2. When a recourse appears to be *prima facie* frivolous the Court may, after hearing arguments by or on behalf of the parties concerned, unanimously dismiss such recourse without a public hearing if satisfied that such recourse is in fact frivolous.

Article 106

The High Court of the Greek Cypriot State shall have exclusive jurisdiction to adjudicate finally on all matters as provided in the ensuing Articles.

Article 107

1. Where on the adoption of the Budget by the House of Representatives the President of the Government of the Greek Cypriot State has exercised his right to return it to the House of Representatives on the ground that in his judgment there is discrimination and the House has persisted in its decision, the President of the Government of the Greek Cypriot State shall have a right of recourse to the High Court of the Greek Cypriot State on such ground.
2. Such recourse shall be made within the period fixed by this Constitution for the promulgation of the laws or decisions of the House of Representatives.
3. Upon such a recourse the Court may annul or confirm the Budget or return it to the House of Representatives, in whole or in part.
4. The decision of the Court shall be notified forthwith to the President of the Government of the Greek Cypriot State and to the President of the House of Representatives and shall be published forthwith by the President of the Government of the Greek Cypriot State in the official Gazette of the Greek Cypriot State.

Article 108

1. The High Court of the Greek Cypriot State shall have jurisdiction to adjudicate finally on a recourse made in connection with any matter relating to any conflict or contest of power or competence arising between the House of Representatives and any organs of, or authorities in, the Greek Cypriot State Republic:

Provided that nothing in this paragraph contained shall apply to any conflict or contest between any courts or judicial authorities of the Greek Cypriot State, which conflict or contest shall be decided by the High Court of the Greek Cypriot State under other procedures.

For the purposes of this paragraph the expression "courts or judicial authorities" does not include the High Court of the Greek Cypriot State.

2. Where any question arises as to the competence of the High Court of the Greek Cypriot State regarding any matter, such question shall be determined by the High Court of the Greek Cypriot State.
3. Recourse to the High Court of the Greek Cypriot State under paragraph 1 of this Article may be made by -
 - (a) the President of the Government of the Greek Cypriot State;
 - (b) the House of Representatives; or
 - (c) any other organ of, or authority in, the Greek Cypriot State, if involved in such conflict or contest.
4. Such recourse shall be made within thirty days of the date when such power or competence is contested.
5. Upon such a recourse the High Court of the Greek Cypriot State may declare that the law or the decision or the act, the subject or the recourse, is void, either from the time when the conflict or contest arose or ab initio, and without any legal effect whatsoever, either in whole or in part, on the ground that such law or decision or act was made or taken or done without

power or competence, and in either case the Court may give directions as to the effect of anything done or left undone under such law or decision or act.

6. Any decision of the High Court of the Greek Cypriot State upon such recourse shall be forthwith notified to the parties concerned and to the President of the Government of the Greek Cypriot State who shall forthwith publish it in the official Gazette of the Greek Cypriot State.

7. Upon a recourse under this Article the High Court of the Greek Cypriot State may order that the operation of the law or decision or act, as the case may be, which is the subject matter of such recourse, shall be suspended until the determination of the recourse; such order shall be published forthwith in the official Gazette of the Greek Cypriot State.

Article 109

1. The President of the Government of the Greek Cypriot State may, at any time prior to the promulgation of any law or decision of the House of Representatives, refer to the High Court of the Greek Cypriot State for its opinion the question as to whether such law or decision or any specified provision thereof is repugnant to or inconsistent with any provision of this Constitution.

2. The High Court of the Greek Cypriot State shall consider every question referred to it under paragraph 1 of this Article and having heard arguments on behalf of the President of the Government of the Greek Cypriot State and on behalf of the House of Representatives shall give its opinion on such question and notify the President and the House of Representatives accordingly.

3. In case the High Court of the Greek Cypriot State is of the opinion that such law or decision or any provision thereof is repugnant to or inconsistent with any provision of this Constitution such law or decision or such provision thereof shall not be promulgated by the President of the Government of the Greek Cypriot State.

Article 110

1. The President of the Government of the Greek Cypriot State may, at any time prior to the promulgation of any law imposing any formalities, conditions or restrictions on the right guaranteed by Article 30, refer to the High Court of the Greek Cypriot State for its opinion the question as to whether such formality, condition or restriction is not in the public interest or is contrary to the interests of the Greek Cypriot State.

2. The High Court of the Greek Cypriot State shall consider such question and having heard arguments on behalf of the President and on behalf of the House of Representatives shall give its opinion and notify the President and the House of Representatives accordingly.

3. In case the High Court of the Greek Cypriot State is of opinion that such formality, condition or restriction is not in the public interest or is contrary to the interests of the Greek Cypriot State such law or any provision thereof prescribing such formality, condition or restriction shall not be promulgated by the President of the Government of the Greek Cypriot State.

Article 111

1. The President of the Government of the Greek Cypriot State or Representatives consisting of at least one-fifth of the total number of a newly-elected House of Representatives shall have a right of recourse to the High Court of the Greek Cypriot State on the question whether there exist such urgent and exceptional unforeseen circumstances as to justify a House of Representatives which continues to be in office until the assumption of office of a newly-elected House to make any laws or take any decisions as in Article 71 provided.
2. Such recourse, if made by the President of the Government of the Greek Cypriot State shall be made within the period provided by this Constitution for the promulgation of the laws and decisions of the House of Representatives and if made by such Representatives shall be made within fifteen days of the date when the new House first meets.
3. The decision of the High Court of the Greek Cypriot State shall be notified forthwith to the President of the Government of the Greek Cypriot State and to the President of the House of Representatives and shall be published forthwith by the President of the Government of the Greek Cypriot State in the official Gazette of the Greek Cypriot State.

Article 112

1. A party to any judicial proceedings, other than proceedings before the High Court of the Greek Cypriot State or any Judge or section thereof, may, at any stage thereof, raise the question of unconstitutionality of any law or decision or any provision thereof material for the determination of any matter at issue in such proceedings and the Court before which such question is raised shall determine the matter at such stage as it may think fit; provided that if there lies no appeal against the final Judgment of such Court before the High Court of the Greek Cypriot State, the Court before which such question is raised shall reserve the question for the decision of the High Court of the Greek Cypriot State and stay further proceedings until such question is determined by the High Court of the Greek Cypriot State.
2. The High Court of the Greek Cypriot State, on a question so reserved, shall, after hearing the parties, consider and determine the question so reserved and transmit its decision to the Court by which such question has been reserved.
3. Any decision of the High Court of the Greek Cypriot State under paragraph 2 of this Article shall be binding on the court by which the question has been reserved and on the parties to the proceedings and shall, in case such decision is to the effect that the law or decision or any provision thereof is unconstitutional, operate as to make such law or decision inapplicable to such proceedings only.

Article 113

The High Court of the Greek Cypriot State shall have exclusive jurisdiction to adjudicate finally on any election petition, made under the provisions of the Electoral Law, with regard to the elections of the President of the Government of the Greek Cypriot State or of members of the House of Representatives.

Article 114

1. The High Court of the Greek Cypriot State shall have jurisdiction to adjudicate finally on a recourse made to it on a complaint that a decision, an act or omission of any organ, authority or person, exercising any executive or administrative authority in the Greek Cypriot State is

contrary to any of the provisions of this Constitution or of any law or is made in excess or in abuse of powers vested in such organ or authority or person.

2. Such a recourse may be made by a person whose any existing legitimate interest, is adversely and directly affected by such decision or act or omission.

3. Such a recourse shall be made within seventy-five days of the date when the decision or act was published or, if not published and in the case of an omission, when it came to the knowledge of the person making the recourse.

4. Upon such a recourse the Court may, by its decision -

(a) confirm, either in whole or in part, such decision or act or omission; or

(b) declare, either in whole or in part, such decision or act to be null and void and of no effect whatsoever, or

(c) declare that such omission, either in whole or in part, ought not to have been made and that whatever has been omitted should have been performed.

5. Any decision given under paragraph 4 of this Article shall be binding on all courts and all organs or authorities in the Greek Cypriot State and shall be given effect to and acted upon by the organ or authority or person concerned. Upon application by the organ or authority or person concerned, the Court may issue specific directions as to how the annulling decision shall be given effect to.

6. Any person aggrieved by any decision or act declared to be void under paragraph 4 of this Article or by any omission declared thereunder that it ought not to have been made shall be entitled, if his claim is not met to his satisfaction by the organ, authority or person concerned, to institute legal proceedings in a court for the recovery of damages or for being granted other remedy and to recover just and equitable damages to be assessed by the court or to be granted such other just and equitable remedy as such court is empowered to grant.

7. There shall be established a first instance administrative Court with jurisdiction to adjudicate upon the merits of a dispute emanating from a decision, an act or omission of any organ, authority or person, exercising any executive or administrative authority in the Greek Cypriot State. If a person entitled under paragraph 2 of this Article to file a Recourse, elects to lodge proceedings before such administrative Court, such person shall no longer have a right to file a Recourse, but he may file an Appeal on a point of law against the decision of such Court before the High Court of the Greek Cypriot State.

Article 115

The High Court of the Greek Cypriot State shall have exclusive jurisdiction to adjudicate finally on a motion made by the Attorney-General and, in accordance with the provisions of paragraph 3 of Article 53, with regard to the question of the existence of such permanent or temporary incapacity, or absence, otherwise than temporary, of the President of the Government of the Greek Cypriot State, as would prevent him to perform effectively his duties as in sub-paragraph (e) of paragraph 1 of Article 53 provided.

Article 116

Subject to the provisions of paragraph 3 of Article 112, any decision of the High Court of the Greek Cypriot State on any of the afore mentioned matters within its jurisdiction or competence shall be binding on all courts, organs, authorities and persons in the Greek Cypriot State.

Article 117

The High Court of the Greek Cypriot State shall have exclusive jurisdiction to make, in case of ambiguity, any interpretation of this Constitution due regard being had to the letter and spirit of the Foundation Agreement and the Constitution of the United Cyprus Republic.

Article 118

The judicial power of the Greek Cypriot State, other than that exercised under the above Articles of this Constitution, shall be exercised by High Court of the Greek Cypriot State, such inferior courts of original jurisdiction and such appellate courts, be provided by a law made thereunder.

Article 119

1. The High Court of the Greek Cypriot State shall be the highest appellate court in the Greek Cypriot State.

2. Subject to paragraph 3 of this Article the High Court of the Greek Cypriot State shall have such original and revisional jurisdiction as is provided by this Constitution or as may be provided by a law:

Provided that where original jurisdiction is so conferred, such jurisdiction shall be exercised by such judge or judges of High Court of the Greek Cypriot State as the High Court of the Greek Cypriot State shall determine:

Provided further that there shall be a right of appeal to the High Court of the Greek Cypriot State from their decision.

3. The High Court of the Greek Cypriot State shall have exclusive jurisdiction to issue orders in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari.

4. A Law may provide for the remedies of Cassation, of Re-opening of contested final judgements and of Re-opening of cases following judgements or decisions of International Courts or Tribunals, in which the United Cyprus Republic was a Party. Jurisdiction to adjudicate on such remedies shall be vested in the Full Bench of the High Court.

Article 120

1. A law shall, subject to the provisions of this Constitution, provide for the establishment, jurisdiction and powers of courts of civil, family and criminal jurisdiction.

2. Any such law shall provide for the establishment of adequate courts in sufficient number for the proper administration of justice without undue delay and for securing within the limits of their respective competence the efficient application of the provisions of this Constitution guaranteeing the fundamental rights and liberties.

3. A law shall provide for the remuneration and other conditions of service of the judges of the courts to be established under paragraph 1 of this Article. The remuneration and other

conditions of service of any such judge shall not be altered to his disadvantage after his appointment.

Article 121

1. The High Court of the Greek Cypriot State shall make Rules of Court for regulating the practice and procedure of the Court in the exercise of jurisdiction conferred upon it by this Constitution, for prescribing forms and fees in respect of proceedings in the Court and for prescribing and regulating the composition of its registry and the powers and the duties of the officers thereof.

2. The High Court of the Greek Cypriot State shall make Rules of Court for regulating the practice and procedure of any other court established by or under this Part of this Constitution.

3. Without prejudice to the generality of paragraphs 1 and 2 of this Article the High Court of the Greek Cypriot State may make Rules of Court for the following purposes:-

(a) for regulating the sittings of the courts and the selection of judges for any purpose;

(b) for providing for the summary determination of any appeal or other proceedings which appear to the High Court of the Greek Cypriot State or such other court before which such proceedings are pending to be frivolous or vexatious or to have been instituted for the purpose of delaying the course of justice;

(c) for prescribing forms and fees in respect of proceedings in the courts and regulating the costs of, and incidental to, any such proceedings;

(d) for prescribing and regulating the composition of the registries of the courts and the powers and duties of officers of the courts;

(e) for prescribing the time within which any requirement of the Rules of Court is to be complied with;

(f) for prescribing the practice and procedure to be followed by the Supreme Council of Judicature in the exercise of its competence with regard to disciplinary matters relating to judicial officers.

4. Rules of Court made under this Article may fix the number of judges of the High Court of the Greek Cypriot State who are to hear any specified matter.

PART XI – FINANCIAL PROVISIONS

Article 122 – Consolidated Fund

1. All revenues and moneys, howsoever raised or received by the Greek Cypriot State shall, subject to the provisions of this Constitution and of the law, be paid into and form one fund to be known as the Consolidated Fund of the Greek Cypriot State.

2 Such Fund shall in the first instance be held by the Federal Central Bank as provided in the Federal Law on the Central Bank, but the President of the Government of the Greek Cypriot State shall have the power to terminate any appointment of Bankers to the Government upon giving requisite notice of the Greek Cypriot State, and to appoint other Bankers to hold the Fund referred to in paragraph 1 above.

Article 123– Charges on Consolidated Fund

1. There shall be charged on the Consolidated Fund, in addition to any grant, remuneration or other moneys charged by any other provision of this Constitution or law-

(a) all pensions and gratuities for which the Greek Cypriot State is liable;

(b) the emoluments of the President of the Government of the Greek Cypriot State and the salaries of the judges of the High Court, of the Attorney-General and of the Deputy Attorney-General of the Greek Cypriot State, of the Auditor-General and of the Deputy Auditor-General, and of the members of the Public Service Commission.

(c) all debt charges for which the Greek Cypriot State is liable; and

(d) any moneys required to satisfy any judgment, decision or award against the Greek Cypriot State by any court.

2. For the purposes of this Article “debt charges” include interest, sinking fund charges, the repayment of amortisation of debt and all expenditure in connection with the raising of loans on the security of the Consolidated Fund and the service and redemption of debt created thereby.

Article 124- Budget

1. The Minister of Finance shall, upon receipt of the estimates of each Ministry and of each Independent Office of the Greek Cypriot State, cause to be prepared in respect of every financial year a comprehensive Budget of the Greek Cypriot State for that year which, when approved by the Council of Ministers, shall be laid before the House of Representatives.

2. The estimates of expenditure in the Budget shall show separately-

(a) the total sums required to meet expenditure charged on the Consolidated Fund; and

(b) the sums respectively required to meet other expenditure.

3. The said Budget shall also show, so far as is practicable, the assets and liabilities of the Greek Cypriot State at the end of the last completed financial year, the manner in which those assets are invested or held and particulars in respect of outstanding liabilities.

4. The expenditure to be met from the Consolidated Fund but not charged thereon shall be submitted to the House of Representatives for adoption and if adopted shall be included in the Budget in respect of that financial year.

5. If in respect of any financial year it is found that the amount adopted by the House of Representatives for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been adopted, a supplementary budget showing the sums required shall be laid before the House of Representatives for adoption and if adopted by the House of Representatives shall be included in the Budget in respect of that financial year.

6. The House of Representatives may approve or refuse its approval to any expenditure contained in a supplementary Budget but may not vote an increased amount or an alteration in its destination.

Article 125– Expenditure warrants

1. No expenditure shall be met from the Consolidated Fund or other Public Funds except upon the authority of a warrant under the hand of the Minister of Finance:

Provided that the Minister of Finance shall not refuse to sign any such warrant for an expenditure provided for in the Budget.

2. Subject to the provisions of paragraph 3 of this Article and of paragraph 5 of Article 126, no such warrant shall be issued unless such expenditure has been adopted in the Budget for the financial year to which the warrant relates in the Budget.

3. The Minister of Finance may, following a decision by the Council of Ministers to that effect, issue a warrant to service or to repay debts of the Greek Cypriot State for which it is responsible in terms of Article 47 of the Federal Constitution or which the Greek Cypriot State has incurred subsequent to the entry into force of the Foundation Agreement.

Article 126 – Interim budget management

1. If, by the end of two months into the fiscal year to which the budget relates, such Budget has not been adopted by the House of Representatives, the Minister of Finance until such adoption, may issue warrants for all expenditures that are necessary:

(a) to maintain institutions established by a Law and to carry out measures authorised by a Law;

(b) to meet the legal obligations of the Greek Cypriot State;

(c) to continue construction projects, procurements and the provision of other goods and services, or to continue to make grants for these purposes, to the extent that amounts have already been appropriated in the budget of a previous year.

2. To the extent that revenues, based upon specific Laws and derived from taxes or duties, from the Greek Cypriot share of value added tax conferred by the Federal Government under the Federal Law on Value Added Tax and from revenue from indirect taxation or from other sources, or the working capital reserves, do not cover the expenditures referred to in paragraph 1 of this Article, the Greek Cypriot State may borrow the funds necessary to sustain current operations up to a maximum of one quarter of the previous Budget.

3. The Minister of Finance may, in addition to the expenditures specified in paragraph 1, make expenditures for such purposes together with a supplement calculated to cover increases occasioned by inflation and as reflected in the official statistics for increases of the cost of living in the relevant period less one percent and the Greek Cypriot State may, if necessary, borrow funds for such purposes.

4. In the event of a Budget not having been adopted by the House of Representatives and the possibilities of applying paragraph 2 having been exhausted, the Council of Ministers may, in order to sustain current operations, authorise the continuation of expenditures of the character specified in paragraph 1 and that are necessary, but without any inflation supplement as described in paragraph 3, and subject to a restriction on borrowing the necessary funds up to a maximum of a further one-quarter of the previous Budget.

Article 127 – Reviewing Fiscal Commissions

1. From time to time the President of the Government of the Greek Cypriot State shall appoint an independent Fiscal Commission-

(a) to review, not less than 2 but not more than 4 years after the coming into operation of the Constitution, the effect of the provisions in the Constitution of the United Cyprus Republic and Laws relating to the distribution between the Governments of the federation and of the states of all revenues derived from various sources; and thereafter

(b) to review, at successive intervals not exceeding 5 years, those provisions.

2. The Fiscal Commission shall be composed of five members and shall include two international fiscal experts.

PART XII – FINAL PROVISIONS

Article 128– Constitutional Amendment

Within the limits of the Constitution of the United Cyprus Republic any provision of this Constitution may, subject to paragraph 2 of this Article, be amended, whether by way of variation, addition or repeal, by a Law passed by a majority vote comprising at least three-fifths of the total number of members of the House of Representatives:

Provided that no Bill introducing constitutional amendments may be introduced without the signature of at least one fifth of the total number of Representatives.

Article 129- Interpretation

1. In this Constitution, unless it is otherwise expressly provided or required by the context-

(1) “Attorney-General” means Attorney-General of the Greek Cypriot State;

"court" means a court of the Greek Cypriot State and includes any judge thereof;

"Gazette” means the official Gazette of the Greek Cypriot State;

"Law" means a Law of the Greek Cypriot State;

"person" includes any company, partnership, association, society, institution or body of persons, corporate or unincorporated;

“President” means President of the government of the Greek Cypriot State.

(2) words importing the masculine gender include the female and words in the singular include the plural and vice-versa.

2. Where a power is conferred by this Constitution to make any order, rules, regulations or bye-laws or to give any directions, the power shall be construed as including a power exercisable in like manner to amend or revoke any such order, rules, regulations, bye-laws or directions.